

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William Moss	Team: Squad #13	CCRB Case #: 202004057	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/03/2020 9:50 PM	Location of Incident: Grand Avenue and Fulton Street	Precinct: 88	18 Mo. SOL 12/3/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 06/06/2020 7:35 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 06/06/2020 7:35 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. Officers			
3. LT Maurice Walston	00000	935950	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. CPT Ryon Malcolm	00000	925654	088 PCT
2. POF Teanesha Jackson	06663	960715	088 PCT
3. POM Kraig Klouda	27674	945883	088 PCT
4. POM Peter Ramos	12134	957067	088 PCT
5. POM Johnpaul Zinser	16883	958199	088 DET
6. AC Brian Conroy	00000	875187	PBBS
7. CPT Ausama Abdelhadi	00000	943994	DC TRL
8. DI William Glynn	00000	932718	081 PCT
9. CPT Danny Murria	00000	932992	PBBN
10. CCA Jeffrey Maddrey	00000	899501	C A B

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers threatened individuals with the use of force.	
B. Officers	Abuse: Officers threatened individuals with the use of force.	
C. An officer	Abuse: An officer threatened an individual with the use of force.	

Officer(s)	Allegation	Investigator Recommendation
D. An officer	Abuse: An officer threatened § 87(2)(b) § 87(2)(b) with the use of force.	
E. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	
F. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
G. An officer	Abuse: An officer threatened individuals with the use of force.	
H. Officers	Discourtesy: Officers spoke discourteously to individuals.	
I. An officer	Abuse: An officer interfered with an individual's use of a recording device.	
J. An officer	Abuse: An officer interfered with § 87(2)(b)'s use of a recording device.	
K. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
L. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	
M. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
N. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	
O. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	
P. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	
§ 87(2)(g), § 87(4-b)		

## Case Summary

On June 6, 2020, § 87(2)(b) filed this complaint via the CCRB’s website on behalf of herself and multiple unidentified individuals, several of whom the investigation ultimately identified as § 87(2)(b) and § 87(2)(b).

On June 3, 2020, at approximately 9:50 p.m., officers on foot and in vehicles followed behind a group of approximately 150-300 protesters marching east down Fulton Street in Brooklyn. Protesters dragged metal barricades from the sidewalk into the middle of the street to prevent the police vehicles from following them. Officers allegedly threw the metal barricades out of the street toward the protesters (**Allegation A – Abuse of Authority; Threat of Force;** § 87(2)(g)). Officers allegedly swung their asps in the direction of protesters (**Allegation B – Abuse of Authority; Threat of Force;** § 87(2)(g)). At the intersection of Grand Avenue and Fulton Street, most of the protesters turned south down Grand Avenue, while a few remained at the intersection. PO1 pointed his Taser at an unidentified bicyclist and at the backs of § 87(2)(b) and § 87(2)(b) who were walking away with their hands up (**Allegations C-E – Abuse of Authority; Threat of Force;** § 87(2)(g)). PO1 allegedly told § 87(2)(b) that he would Taser him (within Allegation D) and told him, “You better fucking move” (**Allegation F – Discourtesy; Word;** § 87(2)(g)). PO1 allegedly also pointed his Taser at other unidentified individuals on the sidewalk (**Allegation G – Abuse of Authority; Threat of Force;** § 87(2)(g)). Officers, including PO1, allegedly told protesters, “Get the fuck out of here,” “Go the fuck home,” and, “Get the fuck out of the street” (**Allegation H – Discourtesy; Word;** § 87(2)(g)). As PO1 interacted with protesters in the street, several people inside their residences, including § 87(2)(b) and § 87(2)(b) yelled things out of their windows. PO1 allegedly told people in their apartment windows to “shut up and stop recording” (**Allegation I – Abuse of Authority; Interference with Recording Device;** § 87(2)(g)).

§ 87(2)(b) an employee of the § 87(2)(b) located at § 87(2)(b) exited her business to see what was happening. PO1 saw § 87(2)(b) across the street and told her to stop recording (**Allegation J – Abuse of Authority: Interference with Recording Device;** § 87(2)(g) § 87(2)(b) told PO1 that she was an essential worker and he replied, “I don’t give a fuck about essential workers” (**Allegation K – Discourtesy: Word;** § 87(2)(g) § 87(2)(b) started to walk away, and he followed behind her with his Taser out. PO1 told § 87(2)(b) “I’ll slap the shit out of you” (**Allegation L - Abuse of Authority: Threat of Force;** § 87(2)(g) § 87(2)(b) PO1 allegedly pointed his Taser at § 87(2)(b) s back, and said, “I’ll shoot your ass” (**Allegation N – Abuse of Authority: Threat of Force;** § 87(2)(g) § 87(2)(b) and § 87(2)(b) yelled from their second- and third-story windows for PO1 to leave § 87(2)(b) alone. PO1 yelled up toward their apartments, “Tough lady, come downstairs,” which they both interpreted as threats directed toward themselves (**Allegations O-P - Abuse of Authority: Threat of Force;** § 87(2)(g) § 87(2)(g), § 87(4-

The investigation obtained cellphone and surveillance footage of this incident from several individuals. The videos are saved to IAs 8-10, 36-41, 76, 82, 98-103, 126-127, 135-139 (**BRs 1-24**) and summarized in IAs 198-199 and 202-210 (**BRs 25-35**). Four separate requests for body-worn camera (BWC) footage yielded negative results (**BRs 36-39**), as did two requests for TARU footage (**BR 40**).

**Allegation (A) Abuse of Authority: Officers threatened individuals with the use of force.**

**Allegation (B) Abuse of Authority: Officers threatened individuals with the use of force.**

**Allegation (C) Abuse of Authority: An officer threatened § 87(2)(b) with the use of force.**

**Allegation (D) Abuse of Authority: An officer threatened § 87(2)(b) with the use of force.**  
**Allegation (E) Abuse of Authority: An officer threatened § 87(2)(b) with the use of force.**  
**Allegation (F) Discourtesy: An officer spoke discourteously to § 87(2)(b)**  
**Allegation (G) Abuse of Authority: An officer threatened individuals with the use of force.**  
**Allegation (H) Discourtesy: Officers spoke discourteously to individuals.**  
**Allegation (I) Abuse of Authority: An officer interfered with § 87(2)(b) s use of a recording device.**  
**Allegation (J) Abuse of Authority: An officer interfered with § 87(2)(b) s use of a recording device.**  
**Allegation (K) Discourtesy: An officer spoke discourteously to § 87(2)(b)**  
**Allegation (L) Abuse of Authority: An officer threatened § 87(2)(b) with the use of force.**  
**Allegation (M) Discourtesy: An officer spoke discourteously to § 87(2)(b)**  
**Allegation (N) Abuse of Authority: An officer threatened § 87(2)(b) with the use of force.**  
**Allegation (O) Abuse of Authority: An officer threatened § 87(2)(b) with the use of force.**  
**Allegation (P) Abuse of Authority: An officer threatened § 87(2)(b) with the use of force.**

**Known facts and general descriptions:**

Seven civilians provided statements describing PO1 as a Black male in uniform with a white shirt and a helmet between 5’10” and 6’7” tall and in his mid-30s to 50s (BRs 41-47). Several of the civilians further stated that PO2, who stood by PO1, was a white or Hispanic male in uniform with a medium-to-fat build between 5’7” to 5’11” tall and in his mid-30s to 50s.

The civilian cellphone videos confirm those general descriptions and depict officers taking the following actions: PO1 points his Taser at an unidentified individual on a bicycle; PO1 points his Taser at § 87(2)(b) and § 87(2)(b) who have their hands up and are walking away from him; PO1 orders § 87(2)(b) not to film; PO1 tells § 87(2)(b) “I don’t give a fuck,” “I’ll slap the shit out of you,” and, “I’ll shoot your ass”; and PO1 repeatedly tells someone in her window above the street, “Tough lady, come downstairs” (BRs 15, 18-19, 22). The video saved to IA 36 also appears to depict an officer throwing a barricade out of the street, but it is unclear what that officer looks like or if he or she throws the barricades toward protesters (BR 4).

**BWC:**

Four BWC footage requests were generated for this case, and all yielded negative results (BRs 36-39). The requests included the incident location, date, and time, as well as a description of the relevant protest and the names of all Black male officers ranked lieutenant and above who either appeared on the relevant Detail Rosters for June 3, 2020, or who were assigned to nearby precincts at the time. The BWC receipts indicate that NYPD Legal searched for footage in the 88<sup>th</sup> Precinct between 9:00 p.m. and 11:59 p.m. on June 3, 2020, as well as for all footage from the officers named in the requests.

**NYPD Documents Reviewed:**

NYPD documentation, including the Detail Rosters from Patrol Borough Brooklyn North (PBBN) and Patrol Borough Brooklyn South (PBBS), revealed 12 officers who worked protest details on June 3, 2020, and who matched PO1’s possible rank and pedigree information (BRs 48-49). There were additional officers whom the investigation was unable to identify either because their names were illegible on NYPD documentation, or because they had common surnames that they shared with other officers and their tax numbers were not specified. No officers on the Detail Rosters were assigned to the incident location. The Rosters were inconsistently prepared, however, and the officers’ assignments

and/or locations were not all listed. Even officers whose assignments were listed frequently changed locations during their tours, as many were detailed to Mobile Field Forces (MFFs). MFFs were units—often comprised of a deputy inspector or captain, two lieutenants, five sergeants and 40 police officers—that responded to protests whenever and wherever needed. They were made up of officers from commands all around the city and not constrained by strict geographical boundaries such as precincts, meaning that: (a) many of the officers in a specific MFF did not know each other and had never previously worked together; and (b) regardless of the officers’ original commands or posts, they could be throughout the city at any given point. The NYPD did not document the locations of MFFs over the course of their tours, as evidenced by the fact that requests for such documents yielded negative results (**BR 50**).

The June 3, 2020 Roll Calls from the 88<sup>th</sup> Precinct (where this incident occurred) identified two additional officers consistent with PO1’s possible rank and pedigree information (**BRs 51-52**), and CTS+ revealed four more who were assigned to neighboring precincts at the time (**BRs 53**). NYPD document requests for TRI Reports prepared by those officers yielded negative results (**BRs 54-55**). Only some of the officers had Memo Books (officers ranked captain and above do not maintain activity logs), and those who did have Memo Books had no entries relevant to this incident (see Allegation Q). There were no relevant summonses or arrests near the incident location on June 3, 2020 (**BRs 56-58**). The investigation submitted two TARU footage requests well before the 30-day video expiration date, but despite repeated follow-up calls and emails, the requests were not fulfilled because IAB experienced delays which caused them to forward the requests late, and the receipts noted that they had “not been sent out on time” (**BR 40**).

The Event Summaries and Resource Recap Logs from the 88<sup>th</sup> Precinct included two relevant jobs (**BR 59-61**). The Event Chronologies for those jobs confirmed that there was a crowd of about 200-300 protesters marching east down Fulton Street (**BR 62-63**). Audio of the relevant 911 call and radio communications provided additional details (**BRs 64-69**). Several units of officers followed behind the group as it weaved through blocks within the 88<sup>th</sup>, 77<sup>th</sup>, and 79<sup>th</sup> Precincts. The protest turned south into PBBS and returned to PBBN after a short time. Deputy Inspector William Glynn of the 81<sup>st</sup> Precinct repeatedly went over the radio updating officers and the 911 operator about the location and size of the protest. Deputy Inspector Glynn also mentioned that MFFs #307 and #05 (presumably actually MFF #205, as no MFF “#05” exists on the Detail Rosters) were headed to his location. The investigation determined that MFF #205 was not on scene during this incident, however, as Deputy Inspector Glynn said over the radio that it was en route at about 10:05 p.m., and surveillance footage shows that PO1 and PO2 left the intersection of Fulton Street and Grand Avenue by about 9:52 p.m. Chief Jeffrey Maddrey (then the Commanding Officer of PBBN), Captain Ausama Abdelhadi (then the Commanding Officer of PSA 4), an unspecified Borough Inspector, and other unidentified officers also went over the radio at various points regarding this protest (see Ranking Officers section). Due to the documentation issues outlined above, the investigation was unable to determine which MFFs or additional units may have been involved other than those that were explicitly mentioned over the radio.

#### **Concurrent Investigations:**

No concurrent investigations were pursued related to this complaint (**BR 70**).

#### **Ranking Officers:**

The investigation interviewed four high-ranking officers. The first, Captain Ryon Malcolm, was the Commanding Officer of the 88<sup>th</sup> Precinct at the time and had pedigree information consistent with PO1’s. Captain Malcolm remembered responding to a protest marching east down Fulton Street within the confines of the 88<sup>th</sup> Precinct, but he denied any involvement in this incident, and the details he provided suggested that his memory was of an incident on June 2, 2020 (**BR 71**). Indeed, he remembered observing officers apprehend a protester, and while there were no arrests or summonses at

this location on June 3, 2020, officers did issue a summons to a protester there on June 2, 2020 (**BR 56**). Captain Malcolm also believed the protest he observed turned south down Washington Avenue. This protest turned south down Grand Avenue, but a search of CTS+ reveals that a different protest turned south down Washington Avenue on June 2, 2020. What is more, Captain Malcolm testified that he did not have a Taser on the incident date and that Executive Officers are not assigned Tasers. The 88<sup>th</sup> Precinct Command Log confirms that Captain Malcolm was not assigned a Taser on June 3, 2020 (**BR 72**). Captain Malcolm reviewed the video evidence and denied that he was PO1. He did not know who PO1 was. IAB reviewed the video evidence and was unable to positively identify PO1 but believed PO1 might have been Captain Malcolm. The investigation could not, however, by a preponderance of the evidence, match Captain Malcolm's voice or face with PO1's. It was therefore unable to determine whether Captain Malcolm was involved.

The investigation next interviewed Assistant Chief Brian Conroy, as Captain Malcolm believed he saw him on scene. Assistant Chief Conroy, who was the then Commanding Officer of PBBS, recalled no part of this incident even after reviewing the relevant footage, and he denied issuing officers any orders at this protest (**BR 73**). He did not recognize PO1 or PO2, and he did not resemble either, as he is a white male who would have been wearing a white shirt at the time. Like Captain Malcolm, he believed that Executive Officers are not equipped with Tasers. Assistant Chief Conroy did not recognize PO2's uniform and was unable to identify which commands PO1 and PO2 might have been from.

Captain Abdelhadi, whom the PBBN Detail Roster shows was in command of MFF #307 and whom radio communications revealed responded to the location, did not recall observing the FADO allegations and was unable to identify PO1 or PO2 using the available video evidence (**BR 74**). He was further unable to identify PO2's uniform or the command it came from. He denied providing officers with instructions about the use of force or about how to deal with protesters recording on their phones at this protest. He did not recall the street names or exact location he responded to, but he believed he was only on narrow, one-way residential streets, and Fulton Street is a large, two-way, mostly commercial street. He acknowledged removing items that protesters had placed in the street, but he denied throwing barricades toward civilians or observing other officers do that. The only officer he remembered seeing at the location was Deputy Inspector Glynn. He did not know what Deputy Inspector Glynn's role was on scene. He did not know who his lieutenants were on this date, or which commands were in his MFF. Captain Abdelhadi did not resemble PO1 or PO2, as he is also a white male who would have been wearing a white shirt at the time. He did not know the NYPD's policy on Executive Officers carrying Tasers, but he did not have one during this protest.

Though Deputy Inspector Glynn went over the radio several times during this incident, he recalled nothing about the protest during his CCRB interview (**BR 75**). He did not recall observing the FADO allegations, nor did he recall whom he worked with. He did not know if he oversaw an MFF at the time. The relevant Event Chronologies, radio communications, and video evidence did not refresh his memory. Deputy Inspector Glynn did not recognize PO1 or PO2, nor did he resemble them, as he too is a white male who would have been wearing a white shirt. Deputy Inspector Glynn had seen uniforms like PO2's at other protests, but he did not know which commands they came from. Deputy Inspector Glynn believed that though no rule precludes Executive Officers from carrying Tasers, they are not generally assigned them. He did not recall issuing officers any orders at this protest.

Chief Maddrey stated over the radio that he was following behind the protest and did not need any additional units. His voice, as captured in his CCRB interview for case #202004586 is distinct from PO1's, and the investigation therefore determined that he was not directly involved. He reviewed the video evidence for this case and did not recognize PO1 or PO2.

**Officers Interviewed:**

The civilian cellphone footage saved to IA 101 depicts a marked police SUV parked at the corner of Grand Avenue and Putnam Avenue during the incident (**BR 15**). The vehicle's assigned number was #5285, which the Roll Call from the 88<sup>th</sup> Precinct shows was assigned to Police Officers Teanasha Jackson and Kraig Klouda on the night of June 3, 2020. The investigation interviewed both officers (**BR 76-77**). They believed the subject officers were part of a protest detail that was not from their command, as they did not recognize PO1 or any other officers. They did not know which units or commands followed behind this protest. They never exited their vehicle or intervened with the protest in any way. The video evidence does not capture any additional RMP numbers.

The investigation also interviewed Lieutenant Maurice Walston of the 88<sup>th</sup> Precinct, as he was assigned to the precinct of occurrence, working at the time, and matched the description of PO1. Lieutenant Walston did not recall where he was or what he did during his tour (**BR 78**). His Memo Book contained no entries other than those noting his start and end of tour times (see Allegation Q) (**BR 79**). He did not recall ever following behind a protest marching down Fulton Street. He either denied or did not recall throwing barricades, swinging his asp or baton, unholstering his Taser, threatening individuals with physical force, interfering with civilians' uses of recording devices, or using discourteous language. He reviewed the video evidence and believed he was not the officer depicted. He did not know who PO1 was or what command he might have been from. He believed that the officers involved were from an unknown detail. As the video evidence does not clearly capture PO1's face, and as the investigation was unable to definitively ascertain whether Lieutenant Walston's voice matched PO1's, it could not determine whether he was involved.

The investigation also interviewed Lieutenant Douglas Moodie, as Captain Malcolm believed that officers from PBBS were on scene, and, according to CTS+, Lieutenant Moodie was the only officer assigned to PBBS who matched PO1's possible rank and pedigree information. Lieutenant Moodie denied being involved in this incident, and he testified that he ended his tour around 3:00 p.m. on June 3, 2020, which his Command Log confirms (**BR 80**).

The investigation identified nine additional officers who were assigned to MFFs and who matched PO1's possible rank and pedigree information. However, due to a lack of known NYPD documentation regarding where these MFFs responded to on the incident date, the investigation was unable to narrow down this list of potential subject officers, as it had no specific indication that any of those officers responded either to this protest or to its general location.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) is a party (**BR 83**).
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- This is the first CCRB complaint to which § 87(2)(b) is a party (**BR 87**).
- Lieutenant Walston has been a member of service for 16 years and has been a subject in 11 other CCRB complaints comprised of 18 allegations, none of which were substantiated. § 87(2)(g)

**Mediation, Civil and Criminal Histories**

- This case was not suitable for mediation.
- As of May 25, 2021, the New York City Office of the Comptroller had no record of a Notice of Claim being filed by any of the identified victims regarding this incident (**BR 82**).
- § 87(2)(b)

Squad No.: 13

Investigator: William L. Moss  
Signature

Inv. William Moss  
Print Title & Name

06/02/2021  
Date

Squad Leader: Laura Kastner  
Signature

IM Laura Kastner  
Print Title & Name

07/26/2021  
Date